

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, ROOM E306



INDIANAPOLIS, 46204

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November 21, 2000

RE: CC Docket No. 94-129

Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's *First Order On Reconsideration* in CC Docket No. 94-129 released May 3, 2000, the Indiana Utility Regulatory Commission is electing to take primary responsibility for resolving Indiana consumers' slamming complaints as of the effective date of the FCC's modified unauthorized carrier change rules. The information required to be included in the state notification by 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

Complaint Process

Method of Filing: Consumers may contact the Indiana Utility Regulatory Commission regarding their slamming complaints by letter, fax or telephone call to the commission.

Location of Filing:

Mailing address:

Indiana Utility Regulatory Commission
302 West Washington Street
Suite E-306
Indianapolis, IN 46204

Toll-free consumer complaints phone number: 800-851-4268

Fax phone number: 317-233-2410

TDD 317-232-8556

Internet complaint form: <http://www.state.in.us/iurc/consumer/complform.html>

Filing Fees: None to file a slamming complaint

No. of Copies rec'd
List A B C D E

Documentation Consumer Must Provide: Staff will request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges. An investigator will contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer; or other applicable statement.

Procedure (Safeguards, Deadlines, Appeal Rights):

The alleged unauthorized carrier is required by IURC rule to promptly, thoroughly, and completely investigate such complaint, attempt to confer with the customer when requested and notify the customer of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. The carrier shall by written notification, advise the customer that he or she may, within seven (7) days following the date on which such notification is mailed, request a review of such proposed disposition by the IURC. *The FCC's rules require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred – if it has not already done so.* If the customer is dissatisfied with the utility's proposed disposition of the complaint and requests that the Consumer Affairs Division informally review the disputed issue and the utility's proposed disposition thereof. Upon receiving such request, the Consumer Affairs Division provides an informal review within twenty-one (21) days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer and the utility within thirty (30) days after its receipt of the customer's request. Upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification or a letter of authorization, the investigator listens to the tape or reads the LOA in order to determine if the verification complies with state law and IURC rules. *Our verification requirements meet or exceed the requirements of the FCC's rules.* Any evidence supplied by the consumer is also taken into account. If the investigator determines the carrier verification provided by the carrier complies with state law, the consumer is notified that the Consumer Affairs Division found no slam occurred. *If the investigator determines the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258 (b)¹, both the federal and state remedies apply.* If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator determines a slam did occur and notifies the carrier and consumer of that finding. The customer and the utility have the right to request that the commission review decisions of the Consumer Affairs Division upon timely request. The Commission may enter an order upon a consumer complaint after providing the affected parties with notice and an opportunity to be heard.

FCC-State Coordination:

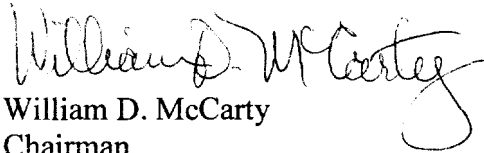
Reporting: The Indiana Utility Regulatory complaints staff enters each slamming complaint that is investigated into our complaints database. *In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.*

¹ Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."

Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Nathan Bradley, IURC Consumer Affairs Director, (317) 232-2743, e-mail: nbradley@urc.state.in.us.

The Indiana Utility Regulatory Commission looks forward to working with the FCC to eradicate slamming altogether.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. McCarty". The signature is fluid and cursive, with the first name "William" and last name "McCarty" clearly distinguishable.

William D. McCarty
Chairman

cc: FCC Consumer Information Bureau Chief